



Small Business Regulatory Review

Board Quarterly Newsletter

No. 5

Department of Business, Economic Development, and Tourism

April 2004

Annual Report

The SBRRB's 2003 Annual Report is complete. You may print a copy from the Board's website by clicking onto www.hawaii.gov/dbedt/sbrrb/index. Go to "2003 Annual Report" or you may contact DBEDT staff at 586-2596.

Small Business Bill of Rights

The Review Board was asked by the legislature through SCR 76/2003 to develop a Small Business "Bill of Rights" for legislative consideration in 2004. Accordingly, a bill was drafted and introduced by Senator Rosalyn Baker. There are also two slightly different bills introduced by Senator Sam Slom (SB3058) and Representative Colleen Meyer (HB 2653). Senator Banker's bill was heard and reported out of the Economic Development Committee with minor amendments. SB 2687 creates three new definitions and sets forth ten "rights." The "rights" include: 1. Financial data; 2. Procurement "allocation;" 3. timely and impartial hearing;" 4. Timely response in an application; 5. Automatic renewal of licenses and permits; 6. Liability insurance; 7. Maximum time for permit approval; 8. Waiver or reduction of penalties; 9. Employee responsibility and rights; 10. Awards of fees in agency hearings. The bill was not heard by the Ways and Means Committee. In addition, two chapters have three new definitions – "Business Advocate," "Small business" for regulatory matters, and "small business" for procurement preference.

Administrative Rule Review from January to March 2004

The Board reviewed 18 sets of proposed, amended, and post public hearing administrative rules this quarter:

- 1) "Pass Through of Private Charges" - County of Kauai – Department of Water – Support
- 2) "Parking for Persons with Disabilities" – Chapter 11-219 - Department of Health - Support
- 3) "Adult Residential Care Homes" – Chapter 11-100.1 – Department of Health – Post Public Hearing - Oppose
- 4) "Liquor Commission Proposed Rules" City and County of Honolulu – Liquor Commission – Support
- 5) "Subchapter 10 Improvement District 11" – Chapter 15-20 – Hawaii Community Development Authority – Support
- 6) "General Excise Tax Law" – Chapter 18-237 – Department of Transportation – Support
- 7) "Northwestern Hawaiian Islands Marine Refuge" – Department of Land and Natural Resources – Support with Reservations
- 8) "Dogs, Cats, and Other Carnivores" – Chapter 4-29 – Department of Agriculture – Post Public Hearing – Support
- 9) "Ethanol Content Requirement" – Chapter 15 –35 – Department of Business, Economic Development and Tourism – Support
- 10) "Med-QUEST – Subtitle 12" – Chapter 17-1705, etc. – Department of Human Services – Post Public Hearing – Support with reservations
- 11) "Approval and Revocation of Approval for the Display, Sale and Use of Vehicle Equipment" – Chapter 19-132 – Department of Transportation – Support
- 12) "Construction or Improvements of Structures" – Chapter 13-232-43 – Department of Land and Natural Resources – Post Public Hearing –Support
- 13) "Periodic Inspection of Vehicles" – Chapter 19-133.2 – Department of Transportation – Support
- 14) "Facilities Reserve Charge" – County of Kauai – Department of Water – Support
- 15) "Contractors" – Chapter 16-77 - Department of Commerce and Consumer Affairs – (Post Public Hearing) Support
- 16) "Construction or Improvements of Structures" – Chapter 13-232-43 – Department of Land and Natural Resources – (Post Public Hearing) Support
- 17) "Practice and Procedure of the Business Registration Division" – Chapter 16-36 – Department of Commerce and Consumer Affairs – Support
- 18) "Certification and Reimbursement of Mental Health Rehabilitation Services Providers" – Chapter 11-172 – Department of Health – Support with reservations